

**Attachment B – Form of Decision Approving
PDS2018-ZAP-94-010W3**



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 694-2962 • Fax (858) 694-2555
www.sdcountry.ca.gov/pds

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

May 30, 2019

PERMITEE: CROWN CASTLE C/O DAIL RICHARD
MINOR USE PERMIT: PDS2018-ZAP-94-010W3
PROPERTY: 32798 AVENIDA DE LAS ESTRELLAS IN PAUMA VALLEY
APN(s): 132-160-31

DECISION OF THE ZONING ADMINISTRATOR

ORIGINAL MINOR USE PERMIT DECISION (3400-94-010)

Grant, in substantial conformance with the plot plan and elevations dated June 22, 1994, consisting of 3 sheets, a Minor Use Permit pursuant to Zoning Ordinance Sections 2704b, 4622b, and 7350. The Cellular Communications facilities include three 10-foot high omni whip antennas mounted approximately 15 feet apart on the southwest side of the water tank extending 8 feet above the tank, a cable connecting the antennas to a 6 foot, 6 inch high, 6 foot wide by 2.5 feet deep cellular site equipment box located on the ground approximately 18 feet from the water storage tank. The facilities will be constructed with non-reflective material painted to blend with the site.

MODIFICATION TO MAJOR USE PERMIT DECISION (ZAP-91-010W¹)

Grant, as per plot plan and elevations dated August 8, 2002, consisting of 4 sheets, a Minor Use Permit Modification pursuant to Zoning Ordinance Sections 2704b and 7350 et seq. for installation and operation of an unoccupied cellular telecommunications facility consisting of one 10-foot high omni whip antenna mounted on the southwest side of the water tank extending 8 feet above the tank, a cable connecting the antennas to a 6 foot, 6 inch high, 6 foot wide by 2.5 feet deep cellular site equipment box, a 6 ½ foot high, 2 ½ foot wide by 2 ½ feet deep equipment cabinet to be mounted on a steel platform with associated coax cable support, and a 6-foot-high, 10 ¾ foot long sound attenuation wall located on the ground approximately 18 feet from the water storage tank. Also granted is the exception to the specified height limit pursuant to Section 4622.b of the Zoning Ordinance to allow an increase in height from 35 to 48 feet for the antennae.

MODIFICATION TO MINOR USE PERMIT DECISION (3401-94-010-02)

Granted, as per plot plan and elevations dated July 9, 2010, consisting of ten sheets, and approved concurrently herewith, a Minor Use Permit Modification, pursuant to Section 6985, 6986, and 7358 of the Zoning Ordinance, to authorize: the removal of three existing antennas from a Yuima Municipal Water District water tank and replacement with three faux bush clusters, each containing four panel antennas, measuring 12 to 20 feet in height, located around the western, southern, and eastern perimeters of the existing water tank; the removal and replacement of an existing AT&T equipment cabinet with a new equipment cabinet that would be located on the same BTS steel platform, and a new 8-foot high steel, fire-resistant fence with

steel gates, enclosing all AT&T equipment, along with a YMWD shed. Pursuant to Section 69858 of the Zoning Ordinance, a Minor Use Permit Modification is required because the proposed faux bushes and panel antennas would be added to an existing facility currently subject to a Minor Use Permit and shall obtain approval through the modification of the permit in accordance with Section 7378 of the Zoning Ordinance.

MODIFICATION TO MINOR USE PERMIT DECISION (ZAP-94-010W3)

This Minor Use Permit Modification for ZAP-94-010W3 consists of 10 sheets including plot plan, equipment layout, and elevations dated May 30, 2019. This permit authorizes the modification of three existing structures onsite. The project consists of modifying the horizontal monopole by painting the pole brown and adding broadleaf socks to the antennas. Remove the existing wood lattice structure and replacing with a structure that looks like small trees. Lastly, painting the existing 30-foot tall wooden pole and main line brown to resemble a utility pole. This approval is pursuant to Sections 6985, 6986, and 7358 of the Zoning Ordinance.

The wireless telecommunication facility is considered a "high visibility" facility; therefore pursuant to Section 6985(c)(11) of the Zoning Ordinance, this Minor Use Permit Modification shall have a maximum term of 10 years (May 28, 2029). This may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility at that time.

MINOR USE PERMIT EXPIRATION: This Minor Use Permit shall expire on May 30, 2021 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Minor Use Permit has commenced prior to said expiration date.

~~**MINOR USE PERMIT EXPIRATION:** This Minor Use Permit shall expire on August 9, 1997 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Minor Use Permit has commenced prior to said expiration date, or an extension has been granted previously by the Zoning Administrator.~~

The wireless telecommunication facility is considered a "high visibility" facility; therefore, pursuant to Section 6985(c)(11) of the Zoning Ordinance, this Minor Use Permit shall have a maximum term of 10 years (ending December 16, 2021, at 4:00 p.m.). This may be extended for an additional period of time through modification of this permit if it is found that no smaller or less visible technology is available or feasible to replace the facility at that time.

.....

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Minor Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

CONDITIONS FOR 3400-94-010

The following conditions are imposed with the granting of this Minor Use Permit:

Building Plans must conform in detail to this approved design. Failure to conform can cause delay to or denial of building permits and require formal amendment of this approved design. No waiver of the Uniform Building Code standards or any other code or ordinance is intended or implied.

A. Prior to any use of the premises pursuant to this Minor Use Permit, the following shall be accomplished:

1. Obtain approval of a building permit form the Building Division.
2. The antennas and equipment box shall be painted with flat, non-reflective grey or blue-grey color paint in order to visually blend with the site.

B. A Cellular Communications Facility is permitted with this Minor Use Permit provided the following conditions, pursuant to Community Plan Policy CP-14 (Cellular Telephone Antennas Type Classification), continue to be met:

1. The overall height (structure on which mounted, plus antenna) may not exceed the applicable height limit in feet.

The structure is 48 feet high, including the 40-foot high water tank and 8-foot high antennas. The height is permitted because it is consistent with Section 4622b of the Zoning Ordinance which grants an exception to standard height requirements.

2. A maximum of two antenna facilities per legal lot or building site is permitted.

One antenna facility is proposed.

3. A maximum of four dish, 10 omni-directional and 30 directional antennas per facility site, with a maximum aggregate of 42 antennas when these antenna types are used in combination provided that any one antenna type are used in combination provided that any one antenna type in the aggregate may not exceed the number listed above for that antenna type.

Three omni-directional antennas are proposed.

4. Not more than one associated and necessary equipment building for each antenna facility; each to have a maximum footprint of 500 square feet and a maximum height of 12 feet.

The proposed cellular facility site equipment box will be 6 feet, 6 inches high and have a footprint of 18 square feet in size.

5. Antennas (except omni-directional) must be screened, shrouded, or otherwise architecturally integrated.

The proposed antennas are omni-directional and are screened by eucalyptus trees and a citrus orchard.

- C. Upon certification by the Director, the Department of Planning and Land Use for establishment of use allowed by this Minor Use Permit, the following conditions shall apply:

1. All structures and associated equipment, including the antennas and equipment storage box, shall be removed when no longer in use, to the satisfaction of the Department of Planning and Land Use.
2. This Minor Use Permit expires on August 9, 1997 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of the Zoning Ordinance prior to said expiration date) unless construction or use in reliance on this Minor Use Permit has commenced prior to said expiration date, or an extension has been granted previously by the Zoning Administrator.

CONDITIONS FOR 3401-94-010-02/ PDS2009-ZAP-91-010W¹

Building permit plans must conform in detail to this approved design. Failure to conform can cause delay to or denial of building permits and require formal amendment of this approved design. No waiver of the Uniform Building Code standards or any other code or ordinance is intended or implied.

- A. Prior to obtaining any building or other permit pursuant to this Minor Use Permit Modification, and prior to commencement of construction or use of the property in reliance on this Minor Use Permit Modification, the applicant shall:
 1. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use.
 2. Comply with all fire prevention requirements to the satisfaction of the County Fire Code Specialist.
 3. Obtain an excavation permit from the County Department of Public Works for any underground placement and/or relocation of utilities within the County right-of-way.
 4. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the Yuima Fire Protection District and the Director of Public Works.
 5. Ensure that arrangements satisfactory to each serving utility company have been made to serve the property.

6. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance and all other applicable ordinances and standards. This includes requirements for materials and wastes control, and sediment control on the project site. Projects that involve areas greater than 5 acres require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be the satisfaction of the Director of Public Works.
- B. Prior to use of the premises pursuant to this Minor Use Permit Modification, the applicant shall complete the following requirements:
1. Repair any damage to on-site and off-site private roads which serve the property which is caused by project construction and/or service vehicles within 30 days.
 2. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that there physically is 550 feet of unobstructed sight distance along State Route 76 from Rincon Ranch Road in both directions, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999), or to the satisfaction of the Director of Public Works.
 3. Allow transfer of the property subject to ZAP 94-010W¹ into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer.
 4. Furnish the Director of Planning and Land Use, along with request for final inspection, a letter from the Director of Public Works, stating Conditions A.3 through A.7 and B.1 and B.2 have been completed to that department's satisfaction.
 5. Submit photographic evidence to the satisfaction of the Director of Planning and Land Use that:
 - a. The antennae have been painted a non-reflective grey or blue-grey color;
 - b. The wooden sound attenuation wall with a density no less than 3 ½ pounds per square foot has been constructed in substantial conformance with the approved plan.
- C. The following conditions shall apply during the term of the Minor Use Permit Modification.
1. All structures and associated equipment, including the antennas and equipment storage box, shall be removed within 60 days from termination of use, to the satisfaction of the Department of Planning and Land Use.

2. **DEFENSE OF LAWSUITS AND INDEMNITY:** The applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action or proceeding against the County, its agents, officers and employees to attack, set aside, void or annul this approval or any of the proceedings, acts or determinations taken, done or made prior to this approval; and (2) reimburse the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

CONDITIONS FOR 3401-94-010-02/ PDS2009-ZAP-91-010W¹

Building permit plans must conform in detail to this approved design. Failure to conform can cause delay to or denial of building permits and require formal amendment of this approved design. No waiver of the Uniform Building Code standards or any other code or ordinance is intended or implied.

- A. Prior to any use of the premises pursuant to this Minor Use Permit, the following shall be accomplished:
 1. Obtain approval of a building permit from the Building Division. (SATISFIED)
 2. The antennas and equipment box shall be painted with flat, non-reflective gray of blue-gray color paint in order to visually blend with the site. (SATISFIED)
- B. A Cellular Communications Facility is permitted with this Minor Use Permit provided the following conditions, pursuant to Community Plan Policy CP-14 (Cellular Telephone Antennas Use Type Classification), continue to be met:
 1. The overall height (structure on which mounted, plus antenna) may not exceed the applicable height limit in feet. (SATISFIED)

The structure is 48 feet high, including the 40-foot high water tank and 8- foot high antennas. The height is permitted because it is consistent with Section 4622b of The Zoning Ordinance which grants an exception to standard height requirements. (SATISFIED)
 2. A maximum of two antenna facilities per legal lot or building site is permitted. (SATISFIED)

One antenna facility is proposed. (SATISFIED)
 3. A maximum of four dish, 10 omni-directional and 30 directional antennas per facility site, with a maximum aggregate of 42 antennas when these antenna types are used in combination provided than any one antenna type in the aggregate may not exceed the number listed above for that antenna type. (SATISFIED)

Three omni-directional antennas are proposed. (SATISFIED)

4. Not more than one associated and necessary equipment building for each antenna facility; each to have a maximum footprint of 500 square feet and a maximum height of 12 feet. (SATISFIED)

The proposed cellular facility site equipment box will be 6 feet, 6 inches high and have a footprint of 18 square feet in size. (SATISFIED)

5. Antennas (except omni-directional) must be screened, shrouded, or otherwise architecturally integrated. (SATISFIED)

The proposed antennas are omni-directional and are screened by eucalyptus trees and a citrus orchard. (SATISFIED)

- C. Upon certification by the Director of the Department of Planning and Land Use for establishment of use allowed by this Minor Use Permit, the following conditions shall apply.

1. All structures and associated equipment, including the antennas and equipment storage box, shall be removed when no longer in use, to the satisfaction of the Department of Planning and Land Use. (SATISFIED)
2. This Minor Use Permit expires on August 9, 1997 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance prior to said expiration date) unless construction or use in reliance on this Minor Use Permit has commenced prior to said expiration date, or an extension has been granted previously by the Zoning Administrator. (SATISFIED)

.....
SPECIFIC CONDITIONS FOR MINOR USE PERMIT MODIFICATION ZAP-94-010W3:

Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Minor Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

1. GEN#1-COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2 –RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all-purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

3. PLN#1–PHOTOSIMULATION [PDS, FEE]

INTENT: In order to verify that the site complies with the [County Zoning Ordinance Section 6980 through 6991 \(Wireless Telecommunications Section\)](#), the site shall substantially comply with the approved plot plans and photo simulations. **DESCRIPTION OF REQUIREMENT:** The site shall be built to substantially comply with the approved photo simulations dated December 3, 2019 to ensure that the site was built to be screened from public view.

- a. Each panel antenna mounted to the faux small trees, faux fallen tree, and faux utility pole has been covered with a "sock".

DOCUMENTATION: The applicant shall build the site to comply with the approved plans and the photo simulations. Upon completion, the applicant shall provide the photographic evidence to the [PDS, PCC] for review. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall be built to match the approval. **MONITORING:** The [PDS, PCC] shall review the photos and photo simulations for compliance with this condition.

4. PLN#2–SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved plot plan and the building plans. This includes, but is not limited to: installing all required design features, painting all structures with the approved colors, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. Any interior changes to approved telecommunications equipment that are located entirely within an approved enclosed equipment shelter and cannot be seen by an adjacent residence, parcel or roadway, shall not require modification or deviation of the permit. Expansion of the existing approved equipment shelter and/or addition of noise generating equipment would require either modification or deviation. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit,

the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] shall inspect the site for compliance with the approved Building Plans.

5. PLN#3–SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes, but is not limited to maintaining the following: painting all necessary aesthetics design features, and all lighting wall/fencing. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **Documentation:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a deviation or a modification pursuant to the County of San Diego Zoning Ordinance. Any interior changes to approved telecommunications equipment that are located entirely within an approved enclosed equipment shelter that cannot be seen by an adjacent residence, parcel or roadway, shall not require modification or deviation of the permit. Expansion of the existing approved equipment shelter and/or addition of noise generating equipment would require a modification or deviation. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

6. PLN#4–SITE CONFORMANCE

INTENT: In order to comply with the [County Zoning Ordinance Section 6980 through 6991 \(Wireless Telecommunications Section\)](#), the site shall substantially comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements. This includes, but is not limited to maintaining the following:

- a. Maintain the appearance of the facility, landscaping, and associated equipment shelter, as depicted in the approved photo simulations dated December 3, 2018. Any interior changes to approved telecommunications equipment that are located entirely within an approved enclosed equipment shelter, with equipment that cannot be seen by an adjacent residence, parcel or roadway, shall not require Modification or Deviation of the permit, to the satisfaction of the Director of PDS (expansion of the existing approved equipment shelter and/or addition of noise generating equipment would require either Modification or Deviation of the permit).
- b. All graffiti on any components of the facility shall be removed promptly in accordance with County regulations. Graffiti on any facility in the public right-of-way must be removed within 48 hours of notification.
- c. All wireless telecommunications sites including antennae and cabinets shall be kept clean and free of litter, display a legible operator's contact number for reporting maintenance problems, and be secured to prohibit unauthorized access.

- d. Wireless telecommunications facilities with use discontinued shall be considered abandoned 90 days following the final day of use. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or determination that the facility has been abandoned, whichever occurs first. All wireless carriers who intend to abandon or discontinue the use of any wireless telecommunications facility shall notify the County of such intention no less than 60 days before the final day of use. The County reserves the right to remove any facilities that are abandoned for more than 90 days at the expense of the facility owner. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.

DOCUMENTATION: The property owner and applicant shall conform to the ongoing requirements of this condition. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

ONGOING: *(The following conditions shall apply during the term of this permit).*

7. ROADS#1-PRIVATE ROAD MAINTENANCE

INTENT: In order to ensure that the on- and off-site private easement roads are maintained and repaired if damaged during construction and during the term of the permit, the owner shall assume responsibility. **DESCRIPTION OF REQUIREMENT:** The owner is responsible for the repair of any damage caused by this Project during construction and the term of this permit to on- and off-site private easement roads that serve the Project. During the term of the permit, the owner(s) of the private road easement(s) shall share proportionately to the use made of the easement(s) that serve the Project, pursuant to California Civil Code Section 845. **DOCUMENTATION:** The owner shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, this condition shall apply during the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

ORDINANCE COMPLIANCE NOTIFICATIONS: The project is subject to, but not limited to, the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

NOTICE: The subject property may contain sensitive vegetation communities and/or sensitive plant and animal species, which may be subject to regulation by federal, State, and/or County agencies, including but not limited to U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and the County of San Diego. Disturbance of such resources without appropriate biological assessment of impacts and mitigation may be a violation of such regulations. It is the applicant's responsibility to ensure that no project impacts occur outside of the developed/disturbed footprint. If impacts to sensitive biological resources would occur, the applicant is responsible for consulting with the County and each agency as required and to

obtain all necessary permits, agreements, or approvals before commencing any activity which could impact the sensitive habitat or species.

Notice: The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, California 92008, (760) 431-9440, <http://www.fws.gov/>.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED PROTECTION PROGRAM/susmppdf/lid_handbook_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf)

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below: <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of

grading and improvement plans for construction pursuant to [County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 \(N.S.\)](#), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

DRAINAGE: The project shall be in compliance with the County of San Diego [Flood Damage Prevention Ordinance No. 10091](#), adopted December 8, 2010.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to [Section 87.201 of Grading Ordinance](#).

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

.....
FINDINGS FOR PDS2018-ZAP-94-010W3

Pursuant to Section 7358 (see Section 7359 for findings required for permits filed pursuant to Regional Land Use Element 3.8) of The Zoning Ordinance, the following findings in support of the granting of the Minor Use Permit are made:

(a) The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to

1. Harmony in scale, bulk, coverage, and density

The subject property is a 1.68-acre lot developed with a 40-foot high water tank. The project is to modify three existing facilities to camouflage with the surrounding environment, operation and maintenance of those unmanned wireless telecommunication facilities. Work consists of painting the existing monopole and main lines brown to resemble a utility pole. Paint the existing horizontal pole brown and add broadleaf antenna socks. Lastly, remove and replace the existing wooden lattice structure with structures that look like small trees by painting the antennas brown and adding faux branches. In addition, one antenna will be installed for that structure. The project is located on a developed site with the Yuima water tank, dirt driveway, and existing wireless telecommunication facilities. The project is subject to the Public/Semi-Public Facilities General Plan Land Use Designation and Limited Agriculture (A70) zoning. There are other

existing trees and utility poles within the vicinity of the project, which will help to disguise the facilities.

Scale and Bulk: The area surrounding the project consists primarily of agricultural and residential uses. The proposed facilities will be invisible to all nearby roadways and residences due to topography and existing landscape.

Coverage: The project proposes to modify existing facilities on the site. The project will not contribute to the existing site coverage, nor will it substantially increase the scale and bulk of the existing structures. As such, the addition of the antenna for one of the modified facilities will maintain similar coverage with surrounding parcels, and will be consistent in terms of coverage of the surrounding area and will not substantially increase the lot area coverage.

Density: The project is for the authorization to modify the existing telecommunication facilities, it does not have a residential component subject to density.

2. *The availability of public facilities, services, and utilities*

Fire service will be provided by the Yuima Municipal Fire District. They respond with career firefighters to structural, wildfire, and emergency medical services on a year round basis. Fire code requirements can either be met through FP-2 compliance or adequate services. The project has been reviewed and found to have adequate access and water supply.

3. *The harmful effect, if any, upon desirable neighborhood character:*

The project is for the authorization of a wireless telecommunication facilities. The facilities include an existing 30-foot tall monopole that will be painted brown to resemble a utility pole. An existing wood structure, which will be removed and replaced with a similar structure that is designed to resemble three 22-foot tall faux small trees. An existing horizontal steel pole facility located on the southwest hilltop edge of the site will be painted brown and installed with broadleaf antenna socks. The project is located in a Public/Semi-Public area on a site with an existing Yuima water tank. The site is approximately 962 feet away from the nearest residence.

The project would not adversely affect the desirable neighborhood character because the project involves a wireless telecommunications facility that has been designed to be camouflaged. The equipment would be largely shielded from views because it would be completely camouflaged as a faux trees and utility pole and are typical and expected structure types in the vicinity of the project. Photo-simulations illustrate that the line, form and color of the facility would be largely consistent with other elements that make up the visual setting of the surrounding area, such as existing structures and mature trees. The photo-simulations demonstrate that although the project would be visible from the surrounding areas, it would not be visually intrusive. Additionally, the project was reviewed for

potential noise impacts and was determined to be consistent with the County Noise Ordinance. The project would not cause any substantial, demonstrable negative aesthetic effect to views from the surrounding area and roadways. Therefore, the project would not have a harmful effect on the neighborhood character.

4. *The generation of traffic and the capacity and physical character of surrounding streets:*

The project is expected to generate one or two maintenance trip per month. Existing parking is available on the property. The use is compatible with the existing Public/Semi-Public character of the area because the number of maintenance trips would not substantially alter the expected traffic or physical character of the surrounding streets, and would be compatible with adjacent uses. Therefore, the traffic generated by the project would not substantially increase or alter the physical character of the surrounding streets.

5. *The suitability of the site for the type and intensity of use or development, which is proposed:*

The applicant proposed a ZAP Modification for the authorization of an unmanned wireless telecommunication facility. The subject property is developed with access and utility services adequate to serve the proposed use. The proposed wireless telecommunication facility in the approximately 1.68 acre parcel would not require additional access or utility services to serve the project, nor would the project require significant alteration of the existing landform. The proposed faux trees and utility pole will be replacing the existing facilities. There will be less than 100 cubic yard of ground disturbance proposed. Therefore, because the project would not change the characteristics of the area, the type and intensity of the proposed use is suitable for the site.

6. *Any other relevant impact of the proposed use:*

The location of the existing wireless telecommunication facilities are considered legal, non-conforming as it is within 50-foot minimum setback of the property line adjacent to an approved residential use which is required by the Telecommunication Ordinance. The proposed project will not increase or further non-conformity as all construction will take place within the vicinity of the existing footprint of the approved facility under the original building permit. In addition, the adjacent residential zone parcel consists of the high sloping elevations and orchards. The nearest residence is located at an approximate distance of 962 feet at lower elevations from the proposed wireless telecommunication facility.

(b) *The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan:*

The Impacts, as described in Finding (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan.

The project is subject to the Limited Agriculture (A70) and Public/Semi-Public Facilities Land Use Designations. The project complies with the General Plan because civic uses are allowed if they support the local population. In addition, the project would be consistent with the General Plan Land Use Element Policy 15.1 and 15.2 because the siting and design of the proposed facility would blend in with the visual setting of the vicinity, compatible with the existing community. For these reasons, the project would be consistent with the San Diego County General Plan.

- (c) That the requirements of the California Environmental Quality Act have been complied with:

Pursuant to CEQA Guidelines Section 15164, the project relies on a previously adopted Negative Declaration and merely constitutes an addendum thereto.

.....
Notice: The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, California 92008, (760) 431-9440, <http://www.fws.gov/>.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below: <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to [County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410](#) (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

DRAINAGE: The project shall be in compliance with the County of San Diego [Flood Damage Prevention Ordinance](#) No. 10091, adopted December 8, 2010.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to [Section 87.201 of Grading Ordinance](#).

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC

Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Zoning Administrator, this decision may be appealed to the County Planning Commission in accordance with [Section 7366 of the County Zoning Ordinance](#). An appeal shall be filed with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Zoning Administrator until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

By:

Mark Slovick, Deputy Director
Project Planning Division
Department of Planning & Development Services

cc: Yuima Municipal Water District, 34928 Valley Center Road, Pauma Valley, CA 92061
Crown Castle 2055 S. Stearman Drive, Chandler AZ 85286

Dail Richard, 5015 Shoreham Place, Suite 150, San Diego, CA 92122

email cc:

David Sibbet, Planning Manager, Planning & Development Services
Souphalak Sakdarak, Project Manager
Dail Richard, Dail.Richard@sacw.com